

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 1:21-cv-253

SHEILA J. SPANN,

Plaintiff

v.

CARRABBA'S ITALIAN GRILL, LLC,

Defendant.

NOTICE OF REMOVAL

Defendant Carrabba's Italian Grill, LLC ("Defendant") files this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446. Defendant states the following in support of its removal:

1. Plaintiff commenced this action on February 19, 2021 against Defendant in the Durham County General Court of Justice, Superior Court Division, State of North Carolina, by filing a Complaint styled *Sheila J. Spann v. Carrabba's Italian Grill, LLC*, File No. 21 CvS 1708 (the "State Court Action").

2. Plaintiff served Defendant with the Summons and Complaint by certified mail on February 27, 2021 by and through its registered agent, Corporate Creations.

3. Defendant files this Notice of Removal within thirty (30) days from service of process of the Summons and Complaint which sets forth claims for relief upon which this proceeding is based, pursuant to 28 U.S.C. § 1441 and 1446(b)(1).

4. All process, pleadings, and orders filed in the State Court Action, which were served on Defendant prior to this Notice are attached hereto as Exhibit A.

5. Defendant has not yet filed an answer or other responsive pleading in the State Court Action. In filing this Notice of Removal, Defendant does not waive any defense or counterclaim it may have.

6. Plaintiff is a citizen and resident of Wayne County, Michigan as stated in the Complaint.

7. Defendant is a Florida limited liability company. None of the members of Defendant are Michigan citizens or North Carolina citizens.

8. Plaintiff is asserting a claim for negligence related to a slip and fall accident in Carrabba's Italian Grill located at 5312 New Hope Commons Ext. in Durham, North Carolina. Plaintiff alleges that she has incurred medical expenses for "serious, painful, and debilitating bodily injuries," that her treatment is ongoing, and that her injuries are "permanent and lasting." Plaintiff also claims lost wages. Upon information and belief, Plaintiff's alleged damages are in excess of \$75,000.00.

9. The District Courts of the United States have original jurisdiction of this action pursuant to 28 U.S.C. § 1332. There is complete diversity of citizenship between Plaintiff and Defendant and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

10. Service of this Notice of Removal is being made on the Plaintiff as shown by the attached certificate of service.

11. As required by 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, Defendant will serve Plaintiff and file with the Durham County Superior Court a Notice of Filing of Notice of Removal.

WHEREFORE, Defendant prays that this action be removed to this Court for all further proceedings, as though this action had originally been instituted in this Court. Defendant further

requests that this Court assume jurisdiction over this action and proceed to a final determination thereof.

This the 29th day of March, 2021.

YOUNG MOORE AND HENDERSON, P.A.

By: /s/ Christopher A. Page
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CERTIFICATE OF SERVICE

I certify that the foregoing document was filed with the Clerk of the Court using the CM/ECF system and that counsel for Plaintiff was served by mail at the address indicated below.

Kevin B. Ginsberg
Andrew K. Sonricker
Kornbluth Ginsberg Law Group, PA
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Counsel for Plaintiff

This the 29th day of March, 2021.

YOUNG MOORE AND HENDERSON, P.A.

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